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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,000	08/09/2005	Bertrand Poirier	444/2	1337
24101 7590 10/10/2008 Lilling & Lilling PLLC PO Box 435 Jerusalem, 91003 ISRAEL				
			EXAMINER BERTHEAUD, PETER JOHN	
			ART UNIT 3746	PAPER NUMBER
			NOTIFICATION DATE 10/10/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Bruce@lilling.co.il

Office Action Summary

Application No.

10/517,000

Applicant(s)

POIRIER, BERTRAND

Examiner

PETER J. BERTHEAUD

Art Unit

3746

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words and contains legal phraseology. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 5 is objected to because of the following informalities: The phrase "inputs means enable to increase or decrease" seems to contain a typographical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claims 5-7 recites the limitation "inputs means" in line 1 of each claim. There is insufficient antecedent basis for this limitation in claim 1 from which these claims depend. In claim 6 there is no claim number to indicate which claim it depends from; thus rendering claim 6 indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Belusa 4,705,457.

Belusa discloses an apparatus for controlling a system which includes a fluid conduit network (see ducts 14 and 15) and at least two motors 20, 21 each drivingly engaged with different fluid movement devices 18, 19, the apparatus comprising: a) means for providing a speed signal representative of the speed of each motor (see col. 14, lines 11-14); b) means for providing a control signal 30, 200 (via lines 102 and 103) in response to the speed of each motor (see col. 13, lines 24-27); c) means for controlling the speed 22, 23 of each motor 20, 21 in response to the control signal (see col. 13, lines 24-27); and wherein each motor speed is controlled for balancing the rate of fluid movement at an input point and an exit point of the system (see abstract); wherein the means for providing a speed signal is a speed sensor (see col. 14, lines 11-

14); wherein the means for providing a control signal is a microprocessor (see 30 and 200); the means for controlling the speed of the each motor 20, 21 is a variable speed motor controller 22, 23; wherein the inputs means enable the controller to increase or decrease the speed of the motors; wherein the inputs means are encompassed with the means for controlling the speed (see lines 102, 103); wherein the inputs means are switches. Furthermore, Belusa discloses a system for balancing the rate of fluid movement, wherein the system comprises: a) at least two motors 20, 21, each in driving relationship with a respective fluid movement device 18, 19; b) means for providing speed signals representative of the speed of each motor; c) a microprocessor (see 30, 200), responsive to the speed signal (see col. 14, lines 11-14), for generating control signals representative of a set of new speed signals; and d) variable speed motor controls 22, 23 for controlling the motor speeds in response to the control signals. Belusa also discloses a method for controlling a system which includes a fluid conduit network (see ducts 14 and 15) and at least two motors 20, 21 each drivingly engaged with different fluid movement devices 18, 19, the method comprising the steps of: a) sensing the speed signal representative of the speed of each motor in the system (see col. 14, lines 11-14); b) generating, by the use of a microprocessor (see 30, 200), control signals representing new desired speeds for each motor 20, 21; and c) transmitting a command to each motor (via lines 102, 103) in response to the control signals, the command adjusting the motor speeds thereby balancing the rate of fluid movement at an input point and an exit point of the system (see abstract).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER J. BERTHEAUD whose telephone number is (571)272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

PJB
/Peter J Bertheaud/
Examiner, Art Unit 3746

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Art Unit: 3746

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